

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

ROBIN WILSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:20CV39TSL-JCG

ANDREW SAUL, COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER

This cause is before the court on the objections of plaintiff Robin Wilson to the report and recommendation of United States Magistrate Judge John C. Gargiulo, recommending that the Commissioner's decision be affirmed and that the appeal be dismissed with prejudice. Having considered the objections, the court concludes that they are not well taken and will be overruled. The court further concludes that the report and recommendation should be adopted as the opinion of the court and the appeal dismissed with prejudice.

The court briefly addresses plaintiff's objections. Initially, the court observes that the ALJ's decision made no misrepresentation about the agency medical consultant's conclusion that plaintiff could walk or stand no more than 4 hours a day. In fact, the decision does not reference this finding at all. Further, the report and recommendation rightly addresses the ALJ's decision to decline to adopt in toto the opinions of the medical professionals. Secondly, reading the transcript of the administrative hearing together with the hearing decision, it is

clear that the ALJ was not laboring under a misapprehension that plaintiff was working after August 2015, and, as the report and recommendation provides, there is substantial evidence supporting the ALJ's decision that plaintiff's affective disorders did not cause more than a minimal limitation. Finally, the court agrees that the ALJ's conclusion that plaintiff's work as a system analyst constituted past relevant is harmless error. Accordingly, it is ordered that plaintiff's objections are overruled. It is further ordered that the report and recommendation of United States Magistrate Judge John C. Gargiulo be, and the same is hereby, adopted as the findings of the court. It follows then that the appeal will be dismissed with prejudice.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 10th day of August, 2021.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE